

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8447 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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GIRBHARBHAI MANJIBHAI PATEL

Versus

STATE OF GUJARAT

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Appearance:

MS SUBHADRA G PATEL for Petitioner

MR UA TRIVEDI, AGP for Respondents

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 27/11/96

ORAL JUDGEMENT

1. By way of this Special Civil Application, the petitioner has challenged the order of detention dated 7/8/96.

2. Learned counsel submits that this matter is identical to the matter of Jaysukh Damaji, a co-detenu in Special Civil Application No.8445/96. She submits that the order of detention has been quashed and set aside by

the order of this Court dated 26/11/96. Learned AGP submits that the case of the petitioner is distinguishable to the said case to the extent that there are two more cases registered against the detenu. Considering the fact that this matter is identical to the co-detenu who has been ordered to be released for the reasons stated and the conclusion arrived at in the Special Civil Application No.8445/96, it is considered that the detention order in this case may also be quashed.

3. In the result, this Special Civil Application is allowed. The impugned order of detention is quashed and set aside. The detenu shall be released forthwith, if he is not required in any other case. Rule is made absolute accordingly.

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